

Service Date: April 8, 1993

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

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IN THE MATTER Of the Montana)	UTILITY DIVISION
Public Service Commission)	
Interexchange Telecommunications)	DOCKET NO. 92.11.66
Market Monitoring Investigation.)	ORDER NO. 5664b

ORDER ON RECONSIDERATION

1. On November 30, 1992 the Montana Public Service Commission (Commission) issued Order No. 5664 in this Docket. The purpose of the Docket is to collect information for purposes of monitoring the three year experimental regulatory structure established in Docket No. 88.11.49, Order No. 5548b.

2. Motions for Reconsideration of Order No. 5664, pursuant to ARM 38.2.4806, were filed by AT&T, MCI, Sprint and Touch America. The Commission considered these Motions at a work session held on February 11, 1993.

3. The parties' Motions objected to some of the data filing requirements on the following grounds: a) The filing requirements in Order No. 5664 are more extensive than those discussed at the June 16, 1992 meeting held with Commission staff and the parties; b) The filing requirements are not supported by an evidentiary record; c) Some of the filing requirements are redundant, irrelevant, unnecessary, costly or unduly burdensome; and d) The filing requirements will hinder competition in the

long distance market.

4. This Docket is solely intended for the collection of data during the three year regulatory experiment established in Docket No. 88.11.49. The Commission, in requiring the provision of information herein, is acting pursuant to its general investigatory and data collection powers contained in Title 69 of the Montana Code, specifically including, ?? 69-3-102, 69-3-106, 69-3-202, 69-3-203, 69-3-205, 69-3-206, 69-3-208 and 69-3-821, MCA.

All of the parties required to provide information herein are public utilities subject to the Commission's full regulatory jurisdiction. The data required need not be based upon an evidentiary record, although the need for the information became apparent to the Commission during the proceedings in Docket No. 88.11.49. See Order Nos. 5548a and 5548b.

5. The Commission will eliminate and revise some of the filing requirements established in Order No. 5664, in order to reduce the filing burden during the three year experiment. However, the filing requirements affirmed in this Order constitute only a minimum, initial base of relevant information, which the Commission will utilize to begin its evaluation of the three year experiment. More extensive data collection and investigation will certainly be conducted by the Commission and parties during the review of the three year experiment, set to begin in May of 1994. This Order should not be construed to be a ruling on the relevancy of any other information, including data origi-

nally required in Order No. 5664, but omitted herein. The parties, of course, retain the right to object to the provision of other information in the future, based upon relevancy or other legal grounds. The Commission will rule on such objections at the appropriate time.

CONCLUSIONS OF LAW

1. The Commission properly exercises jurisdiction over "public utilities," including interexchange carriers and local exchange carriers which provide "regulated telecommunications service" as defined by law. Sections 69-3-101 and 69-3-803, MCA.

The Commission is invested with full power of supervision, regulation and control of public utilities. Section 69-3-102, MCA.

2. The Commission has the authority to require public utilities to file all such information which it deems appropriate to perform its duties. Sections 69-3-106, 69-3-202 and 69-3-203, MCA. The Commission has determined that the information required by this Order is relevant and necessary to monitor and analyze the interexchange carrier market.

3. The information gathered pursuant to this Order may be incorporated into the record in the Commission's next proceeding established to review the regulatory status of interexchange carriers.

ORDER

IT IS HEREBY ORDERED:

1. USWC, PTI and GTE are required to provide the information described in this Paragraph, to AT&T, MCI, Sprint, Touch America and American Sharecom, as follows: 1991 and 1992 data must be provided no later than April 30, 1993. Data for 1993 must be provided no later than April 15, 1994. USWC, PTI and GTE must provide to each IXC named above, company specific access minutes of use, divided by feature group type (A, B, C or D) and end office type (equal access or nonequal access).

2. AT&T, MCI, Sprint, Touch American and American Sharecom must provide to the Commission the information provided by USWC, PTI and GTE, pursuant to Paragraph 1 above, as follows: 1991 and 1992 data must be filed no later than May 30, 1993. Data for 1993 must be filed no later than May 15, 1994. The information must be provided both on a total basis and divided by LEC.

3. USWC, PTI and GTE are ordered to provide the information described in this Paragraph to the Commission, as follows: 1991 and 1992 data must be provided no later than May 30, 1993. Data for 1993 must be provided no later than May 15, 1994.

a. A list of all interexchange carriers or resellers which utilized the LEC's intrastate or interstate switched access services during the year.

b. The combined total intrastate access minutes of use utilized by all interexchange carriers and resellers during the

year, divided by feature group type and end office type.

c. The combined total access minutes of use utilized by AT&T, MCI, Sprint, Touch America and American Sharecom during the year, divided by feature group type and end office type.

d. The number (and percentage) of customers presubscribed to each interexchange carrier or reseller in each of the LEC's equal access offices, and a summation of the total number of customers presubscribed to each IXC or reseller. Year-end data shall be used. The information provided on April 15, 1994 must also provide this data separately for "residence" and "nonresidence" categories, based upon year-end 1993 data.

4. AT&T, MCI, Sprint, Touch America and American Sharecom are ordered to provide the information described in this Paragraph, to the Commission as follows: 1991 and 1992 data must be provided no later than May 30, 1993. Data for 1994 must be provided to the Commission no later than May 15, 1994.

a. The IXC's total billed minutes of use for the year, divided into two categories, "MTS" and "Other."

b. For the IXC's MTS rates only, provide a list of the initial (January 1) price and all price changes throughout the year (for each mileage band, and both initial and subsequent minutes), including the date of each change.

c. A Montana map indicating the IXC's transmission legs and points of presence in the state.

d. The IXC's most recent annual report to shareholders.

5. Any proprietary information required by this Order may be filed with the Commission and submitted to the other parties pursuant to the terms of the Protective Order already issued in this Docket, Order No. 5664a.

6. The stay of Order No. 5664 previously issued by the Commission is hereby rescinded, subject to the filing dates herein.

7. The Commission shall retain continuing jurisdiction of the matters addressed in this Order. The requirements herein shall be in effect until and unless modified by subsequent Commission action. This Docket shall remain open indefinitely.

Done and Dated this 29th day of March, 1993 by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

BOB ANDERSON, Chairman

BOB ROWE, Vice Chairman

DAVE FISHER, Commissioner

NANCY MCCAFFREE, Commissioner

DANNY OBERG, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)

NOTE: You may be entitled to judicial review in this
 matter. Judicial review may be obtained by filing
 a petition for review within thirty (30) days of
 the service of this order. Section 2-4-702. MCA